

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, }
Plaintiff, }
vs. }
TAMMY L. SCHUCK, }
TABATHA N. ASHBURN and }
CHRISTOPHER J. TIERNEY, }
Defendant. }

8:12CR107

ORDER

This matter is before the court on the motion for a continuance of trial by defendant Tammy L. Schuck (Schuck) (Filing No. 114). Schuck seeks a continuance of the trial of this matter currently scheduled for August 13, 2013. Schuck has filed an affidavit wherein she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 115). The motion was heard during a Rule 17.1 conference on June 13, 2013. Mark W. Bubak appeared for Schuck. A. Michael Bianchi appeared for defendant Ashburn. John C. Wieland appeared for defendant Tierney. Assistant U.S. Attorneys John E. Higgins and Donald J. Kleine appeared for the United States. Following a discussion with counsel, the motion will be granted to the extent trial will be rescheduled for October 8, 2013, before Chief Judge Laurie Smith Camp and a jury. Mr. Bubak entered his appearance herein on February 4, 2013. Despite the mass of discovery in records and recordings, there should be adequate time to prepare for trial by October 8, 2013. The Rule 17.1 conference will be rescheduled.

IT IS ORDERED:

1. Defendant Schuck's motion for a continuance of trial (Filing No. 114) is granted to the extent the trial of this matter is **rescheduled to commence on October 8, 2013**. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as

a result of the granting of the motion, i.e., **the time between June 13, 2013, and October 8, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

2. The court will hold a Rule 17.1 conference with counsel in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:00 a.m. on August 22, 2013**, for the purpose of preparing this case for trial. Counsel for the defendants are required to attend. Defendants are not required to attend.

ADMONITION

Pursuant to [NECrimR 59.2](#) any objection to this Order shall be filed with the Clerk of the Court within fourteen (14) days after being served with a copy of this Order. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

DATED this 13th day of June, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge